

### **REMARKS/ARGUMENTS**

Claims 1-15 are in the case. Applicant has added Figure 9. Applicant has also amended the specification to correct typographical and clerical errors and added description of Figure 9 in accordance with the addition of the Figure. Claims 1-15 have been amended to correct informalities and improve claiming language and structure in accordance with the USPTO practice. Support for Figure 9 can be found at page 5, lines 4-5, page 11, lines 4-10, and Figure 1 in the specification as originally filed. No new matter has been introduced.

Applicant acknowledges receipt of the "Notice of References Cited" (form PTO-892) and the attached references.

The following documents accompany this response:

- (i) Petition for Extension of Time,
- (ii) Inventor's Declaration Under 37 C.F.R. 1.131,
- (iii) Exhibit 1, Invention Record Approval Document, and
- (iv) Declaration and Power of Attorney.

Applicant requests favorable reconsideration of the subject application in view of the following remarks/arguments:

#### ***Oath/Declaration***

The examiner's action indicated that the oath or declaration was defective and untimely, and required submission of an updated oath or declaration.

In response, Applicant submits herewith an updated Declaration and Power of Attorney recently executed by the inventor. Thus, the requirement has been fulfilled.

### ***Drawings***

The drawing was objected to as omitting a claimed feature, the gas generator in the housing as set forth in claim 12.

In response, Applicant has added Figure 9 which shows the claimed feature of a gas generator 14' in the housing. Applicant requests the approval of the addition, as the figure is supported by page 5, lines 4-5, page 11, lines 4-10, and Figure 1 in the specification as originally filed. Then, the objection is believed to be overcome.

### ***Specification***

The specification was objected to because of informalities.

In response, Applicant has amended the specification to correct the informalities. Thus, the objections have been overcome.

### ***Claim Rejections - 35 USC §112***

Claims 1-15 were rejected under 35 U.S. C. §112, second paragraph, as being indefinite.

In response, Applicant has amended claims 1-15 to more particularly point out and distinctly claim the subject matter of the present invention.

The examiner's action stated that "it is not clear what 'concertina-style' encompasses." In response, Applicant would like to cite the definition, at page 288 of the American Heritary Collegiate Dictionary, third edition, of concertina as "a small hexagonal accordion with bellows and with buttons for keys." A copy of the definition from the Dictionary is enclosed. As disclosed at page 9, lines 8-11 and Figures 5 and 6 of the specification, it is illustrated that the concertina-style side wall is an accordion-like

side wall when relaxed and folded which stretches to fully expanded vertically side wall when the housing is inflated.

The examiner's action stated that claim 14 was repetitive of limitation of claim 1. Applicant respectfully disagrees. Claim 1 recites that the upper cover is substantially rigid but is silent on the base, while claim 14 recites that the base is substantially rigid. Thus, claim 14 is not repetitive of the limitation of claim 1.

The examiner's action stated that claim 15 was "inaccurate because the specification did not disclose the peripheral region of the base as deformable." Applicant respectfully disagrees. As disclosed, for example at page 5, line 6-7 of the specification, "the base has a deformable peripheral region."

Thus, the rejections are overcome.

***Claim Rejections - 35 USC §102***

Claims 1, 5, and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by Kowalski, U.S. Patent No. 6,158,766 (the Kowalski reference).

In response, Applicant submits herewith a Declaration Under 37 C.F.R. 1.131 by the sole inventor of the subject application, Pontus Söderström, with supporting documentary evidence, to antedate the Kowalski reference.

The Declaration establishes that the date of invention for the subject application is prior to the effective U.S. filing date of the Kowalski reference, February 26, 1999. The conception of the invention occurred prior to February 26, 1999, and the inventor had exercised due diligence from a time prior to February 26, 1999 until June 18, 1999, the date of constructive reduction to practice, when the British priority application of the

subject application was filed. Accordingly, it is respectfully submitted that Kowalski is not a legally available reference with respect to the subject application.

Additionally, in the process of preparing this response, it was noticed for the first time that the invention was made in the United States and that the UK priority application was filed without the benefit of a foreign filing license. Applicant is therefore taking the necessary steps to timely cure the deficiency by filing a Petition for Retroactive Foreign Filing License which follows this response.

Therefore, Applicant submits that all the requirements for antedating the reference have been satisfied and the rejections based on the Kowalski reference should be withdrawn.

***Claim Rejections - 35 USC §103***

Claims 2 and 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference; claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of German Published Application 19727598; claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of the German publication and UK Patent 2,272,670; claims 6-9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of Haland et al.; claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of Boydston et al.

In response, Applicant submits that as discussed, *supra*, Applicant has antedated the primary reference, the Kowalski reference, by the inventor's 131 Declaration and the supporting document. Thus, Applicant requests that these rejections based on the


Kowalski reference in combination with the other references be withdrawn, as the Kowalski reference is no longer a legally available reference against the subject application.

In view of the above, all objections and rejections have been overcome and claims 1-15 as amended are in condition for allowance, early notice of which is requested.

A check in the amount of \$950 for petition for extension of time is enclosed. Should any other fee be required, please charge same to Deposit Account No. 22-0261 and notify Applicant's attorney.

Respectfully submitted,

Date: February 26, 2004

  
Catherine M. Voorhees (Reg. No. 33,074)  
Venable LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Tel.: 202-344-4000  
Telefax: 202-344-8300

Doc# 522635

BEST AVAILABLE COPY

THE  
AMERICAN  
HERITAGE®  
COLLEGE  
DICTIONARY

---

THIRD EDITION

dictionary



HOUGHTON MIFFLIN COMPANY

*Boston • New York*

© 1997



rual communication, of views, ideas, and opinions) **concert**, c. < Concerted action. — *v.* (kən-sŭrt') **con-**  
**cert-ing**. **-certain**. — *tr.* 1. To plan or arrange by agreement. 2. To adjust; settle. — *intr.* To act to harmony. [Fr.; < Ital. *concerto* < OItal., agreement] **pos-**  
— *s.* < Llat. *concertus*, p.part. of *concernere*, to mix together. See CONCENTR.]  
**con·cert'ed** (kən-sŭrt'id) **adj.** 1. Planned or accomplished  
together; combined: *a concerted effort*. 2. *Mus.* Arranged  
parts; for voices or instruments. — **con·cert'ed-ly** (*ad-*)  
**concert grand n.** *Mus.* The largest grand piano; being  
2.7 meters (9 feet) in length and having the volume of timbre  
appropriate for use in concert.  
**con·cer-ti-na** (kŏn'sar-tē'nə) *n.* *Mus.* A small hexagonal  
accordion with bellows and with buttons for keys. [*It.*  
*concertina*, fem., dim. suff.]  
**con·cer-ti-no** (kŏn'chēr-tē'nō) *n., pl., -nos.* *Mus.* 1.  
A concerto. 2. The solo instrument group in a concerto  
[Ital., dim. of *concerto*; *concert*. See CONCERT.]  
**con·cer-tize** (kŏn'sar-tīz) *intr. v.* -tized, -tizing  
*Mus.* To give concerts, or perform in concert.  
**con·cert-mas'ter** (kŏn'sart-mās'tər) *n.* *Mus.* The  
leader of a choir or orchestra.  
**con·cert-mis'tress** (kŏn'sart-mīs'trīs) *n.* *Mus.* A  
first violinist and assistant conductor in a symphony  
orchestra.  
**con·cer-to** (kən-chēr'tō) *n., pl., -tos; or, -ti (-tē)* *Mus.*  
A composition for one, two, three, or more solo instru-  
ments, typically in three movements. [Ital., *concert*. See  
CONCERTO GROS.]  
**con·certo gros-so** (grŏs'sō) *n., pl. concerti gros-si*  
*Mus.* A composition for a small group of solo instru-  
ments in full orchestra. [Ital.; *concerto*; *concerto*, a group  
of instruments.]  
**con·cert pitch n.** 1. *Mus.* See International pitch. 2.  
The frequency of being ready and tensely alert.  
**con·ces-sion** (kən-sesh'an) *n.* 1. The act of conceding;  
2. a. Something, such as a point previously claimed,  
which is later conceded. b. An acknowledgment of mis-  
take or error. 3. A grant of a tract of land, as by a govern-  
ment, for stipulated services or a promise that it will  
be used for a specific purpose. 4. a. The privilege of  
obtaining a subsidiary business within certain premises,  
space allotted for such a business. c. The business so ob-  
tained. [*Lat.* *concessio*, *concession*; < *concessus*, p.part.  
of *cedere*, to concede. See CONCEDE.] — **con·ces-sion-**  
**-ary** (-shēsh'ə-nērē) **adj.**  
**con·ces-sion-aire** (kən-sesh'-nārē) *n.* The holder  
or proprietor of a concession. [Fr. *cessionnaire* < *con-*  
*cession* < *Lat.* *concessio*. See CONCESSION.]  
**con·ces-sion-er** (kən-sesh'-nār) *n.* A concessionaire.  
**con·ces-sive** (kən-sēs'iv) **adj.** 1. Of the nature of con-  
ceding; concessory. 2. *Gram.* Expressing concession.  
**conch** (kŏngk, kŏnch) *n., pl. conchs* (kŏngks) (*of*)  
(kŏn'chiz). 1. Any of various tropical marine gasteropod  
mollusks, esp. of the genera *Strombus* and *Cassius*; has  
often brightly colored spiral shells and edible flesh.  
2. The shell of one of these gastropod mollusks, used in  
carving, in making cameos, or as a horn. 3. *Anat.* See  
ME *conche*. [*Gk.* < *O.Fr.* < *Lat.* *concha*, mussel < *Gk.*  
*konche*] — **con·cha** (kŏngk'ka) *n., pl. chae* (-kē'). 1. *Anat.* Any  
of the structures that resemble a shell in shape. 2. *Arch.*  
A dome over an apse. [*Llat.* semidome < *Lat.* *mussell*,  
mussel] — **con·chal** (-kal) **adj.**  
**con·chif'erous** (kŏng-kīf'ər-əs) **adj.** Having or  
bearing shells.  
**con·chi-o-lin** (kŏng-kīf'əl-in, kŏn-) *n.* A protein  
that is the organic basis of mollusk shells. [*convex* <  
-N], *shell* < *Gk.* *kônkhos*] — **con·choidal** (-kŏn-  
choy-dl) **or** **conchil-** **or** **conch-** **pref.** Shell: *conchoidal*  
(-kŏnkhŏ- < *konkhos*, shell.)  
**con·cho-bar** (kŏn-küv'är, kŏn'hör, kŏn'är) *n.* The  
king of Ulster, who abducted Deirdre.  
**con·chol'dal** (kŏng-koid'al) **adj.** Of, relating to, or  
characterized by smooth, shell-like convexities  
and cavities. [*<* *Gk.* *konkhoeides*, mussel-like; *konkh-*  
+ *eides*, -eoides, -oid.] — **con·chol'dal-ly** (*adv.*)  
**con·chol'o-gy** (kŏng-kŏl'ŏ-jē) *n.* The branch of science  
dealing with the study of mollusks and shells. — **con-**  
**-chol'i-cal** (-kŏ-lŏ-fĭ-k-al) **adj.** — **con·chol'o-gist** *n.*  
**con·clerge** (kŏn-syärzh't) *n.* 1. A staff member of  
an apartment complex who assists guests, or resident  
son, esp. in France, who lives in an apartment house  
near the entrance, and serves as a janitor. [*Fr.* < *O.Fr.* <  
Vlat. *conservius*, alteration of *Lat.* *conservus*, slave]  
**com-**, **com-** + *servus*, slave.]  
**con·cil-i-ar-y** (kŏn-sil'ē-är) **adj.** Of, relating to, or  
being a council. [*<* *Lat.* *concilium*, council. See COUNCIL.]  
**con·cil-i-ate** (kŏn-sil'ē-at') *v.* -ated, -ating [*Fr.*  
1. To overcome the distrust or animosity of; to  
regain or try to regain (friendship or goodwill) after  
unpleasant behavior. 2. To make or try to make compatible  
with. — *intr.* To gain or try to gain friendship or goodwill  
with another person. — **at pacify**. [*Lat.* *conciliare*, *conciliate* < *concilium*,